



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
805 Frontage Road, Suite 200C  
Kenai, Alaska 99611-7755

PUBLIC NOTICE DATE: February 10, 2005  
EXPIRATION DATE: March 14, 2005  
REFERENCE NUMBER: POA-2002-476-4  
WATERWAY: Cook Inlet

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. David N. Yragui, Post Office Box 1290, Kenai, Alaska 99611.

LOCATION: Section 29, T. 5 N., R. 11 W., Seward Meridian; near Kenai, Alaska.  
Latitude 60.4944°N, Longitude 151.2498°W (WGS84/NAD83). USGS Kenai B-4 NE.

WORK: Develop approximately 300 acres in the Kalifornsky Meadows Subdivision for a residential subdivision of small farms. The project would result in the loss of 3.36 acres of Palustrine scrub-shrub wetlands for the construction of Buoy Street and other access roads through approximately 2,440 linear feet of wetlands. The roads would be constructed within a 60-foot right-of-way. To construct the roads, approximately 1,440 cubic yards (cy) of overburden would be mechanically cleared and side cast into wetlands. The road base would be comprised of approximately 6,825 cy of sand mined from the right-of-way and capped with 3,110 cy of imported gravel fill to a depth of one foot. The roads would have a finished toe-to-toe dimension of 32 feet with a 24-foot wide drivable surface. The two excavated areas would be backfilled with side cast overburden and seeded. Buried gas, phone and electric utility lines would be constructed near the toe of the slopes within this right-of-way. Electric and phone stubs would be installed at each lot at the time of construction.

Sand and gravel fill would be discharged into an additional 0.76 acre of wetland for the construction of driveways from the access roads onto 1, 2, 4, 7, 8 and 15. Each driveway would be approximately 150 feet long by 48 feet wide.

An additional 160 acres of wetlands would be mechanically land cleared, plowed, disked and then planted with timothy grass for hay production. This work would be located in five separate wetland areas within the overall 300-acre property.

PURPOSE: The applicant's stated purpose is to create access to 300 acres of private property and to convert an undeveloped industrial park area to agricultural hay fields and small farms.

ADDITIONAL INFORMATION: The project calls for construction of a total of 7,950 feet of roads, consisting of Buoy Street and two other subdivision roads.

This property has been replatted from what was originally identified as the Kalifornsky Industrial Park, which was comprised of one acre lots. The Kalifornsky Meadows Subdivision contains four 40-acre lots and 14 approximate 8-acre lots.

MITIGATION: As a result of early project planning and preapplication coordination, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment:

- a. Re-subdividing lots into less than 5-acre parcels is prohibited. With several parcels in the 8-acre range, resubdivision would not succeed with this restriction.
- b. The prohibition of construction in the northern 3/4s of lots 3, 4, 5 and 6. The applicant's intent is to construct hay fields in the northern 3/4 on each lot but no structures and to limit development on these lots to the southern 1/4.
- c. Free ranging livestock would be prohibited. While this is primarily for safety reasons, due to an FAA approved airstrip nearby, it would also benefit the aquatic environment by reducing the secondary impacts of the project.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No listed or proposed threatened or endangered species are known to use the project area. The area is not identified as designated or proposed critical habitat for any species. We have preliminarily determined that the described activity would not affect threatened or endangered species identified under the Endangered Species Act of 1973 (87 Stat. 844), or their designated critical habitat. This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated

federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area would not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Robin Leighty at (907) 283-3519 or if further information is desired concerning this notice.

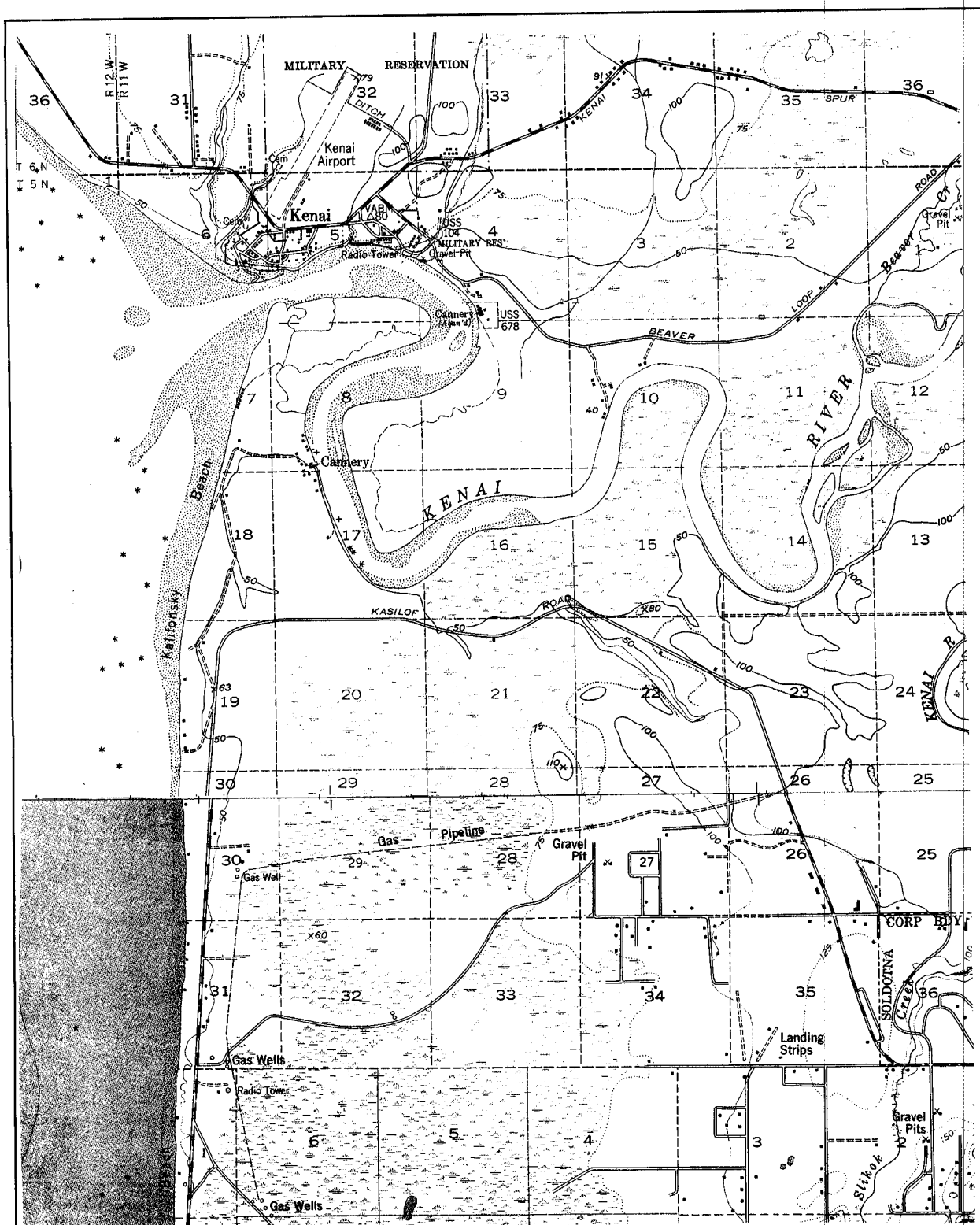
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

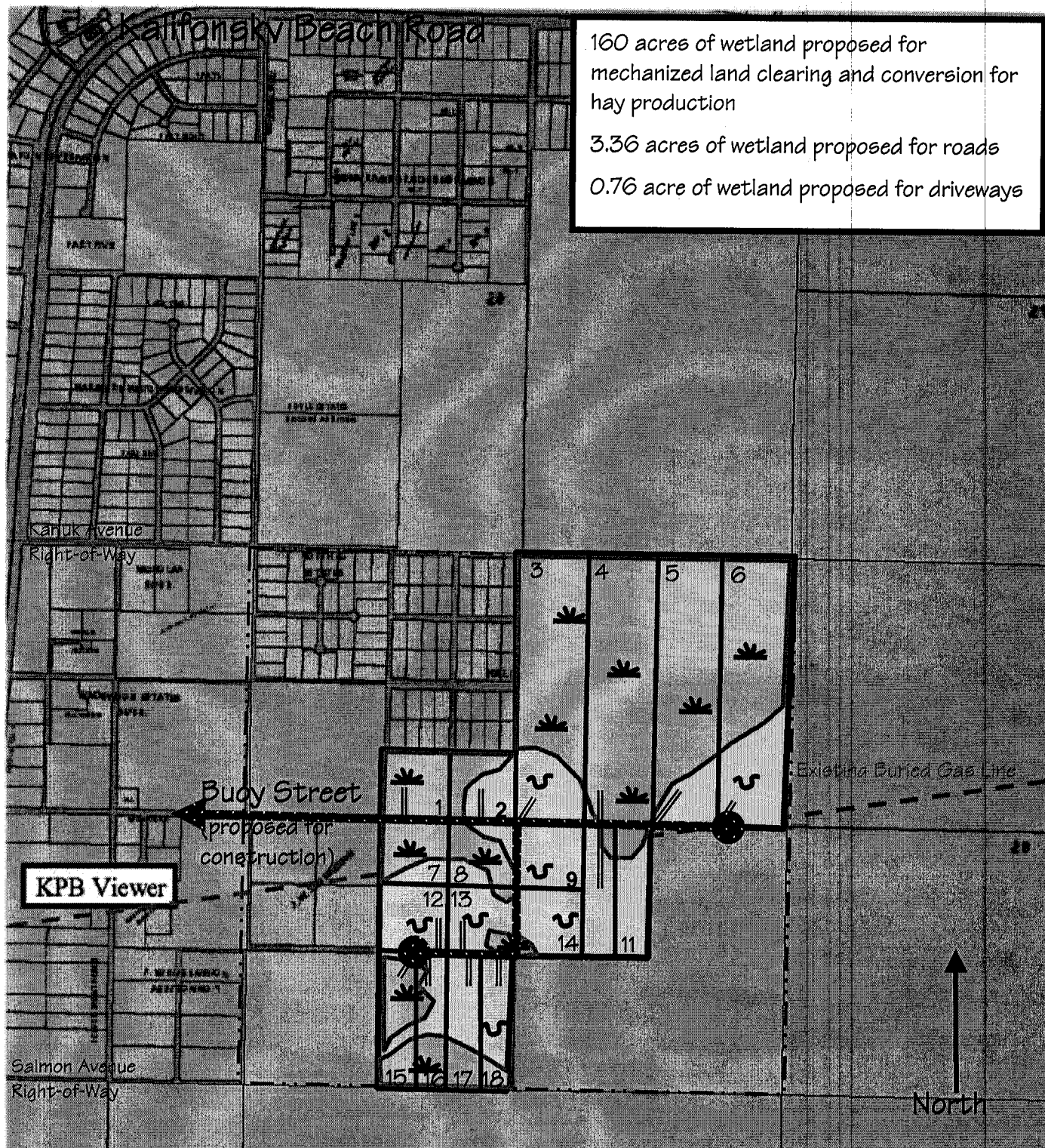
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments



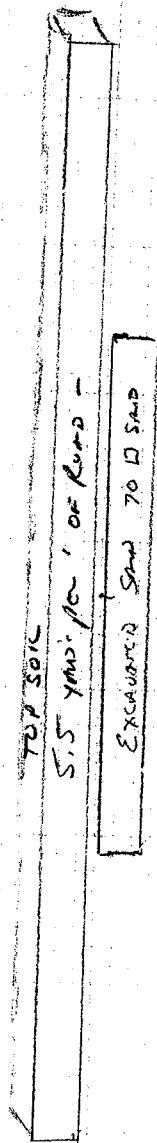
POA-2002-476-4, Cook Inlet. Project Vicinity. Mr. David Yragui. Kalifornsky Meadows Subdivision proposed road and driveway Construction, and mechanized land clearing for conversion of wetland for hay production. Section 29, T. 5 N., R. 11 W., Seward Meridian. Sheet 1 of 5



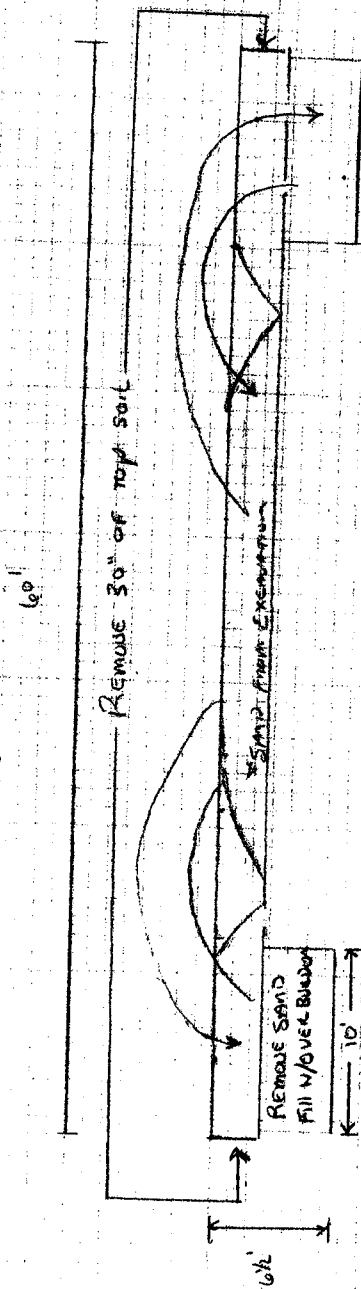
- 14 Property Boundaries and Lot Numbers
- ~ (upland) Approximate Wetland Upland Boundary  
(wetland delineation conducted by Natural Resources Conservation Service, September 2003)
- ~ (wetland)
- ←.....● Roads Proposed for Construction (2,440' in wetlands)
- ==== Driveways Proposed for Construction (750' in wetlands)
- Wetlands Proposed for Conversion to Hayfield

## Legend

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Mr. David Yragui  
Sheet 2 of 5  
Kalifornsky Meadows Subdivision  
Section 29, T. 5 N., R. 11 W., S.M.



2025' OF ROAD CROSS SUSPECTED WET LAND  
 150 cubic ' OF TOP SOIL WILL BE REMOVED AND 500 CUBIC PER' OF ROAD  
 5.5 yards OF TOP SOIL PER'  
 14437 YARDS OF TOP SOIL WILL BE REMOVED AND REPLACED  
 216 YARD OF SAND PER' OF ROAD  
 6825 YARDS OF SAND WILL BE EXCAVATED FROM SIDE OF ROAD



POA-2002-476-4, Cook Inlet

Mr. David Yragui

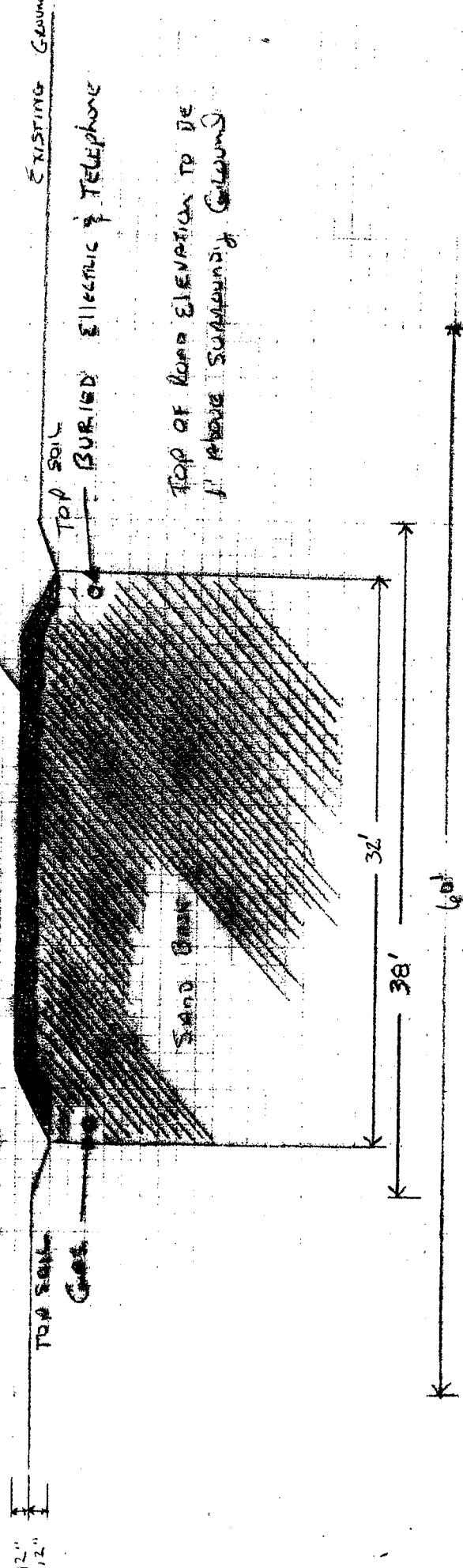
January 28, 2005 Sheet 3 of 5

# Proposed Road

3 to 1 slope 2 to 1 slope

12" compacted gravel

SEED ALL DISTURBED  
GROUND AFTER ROAD CONSTRUCTION



POA-2002-476-4, Cook Inlet

Mr. David Yragui

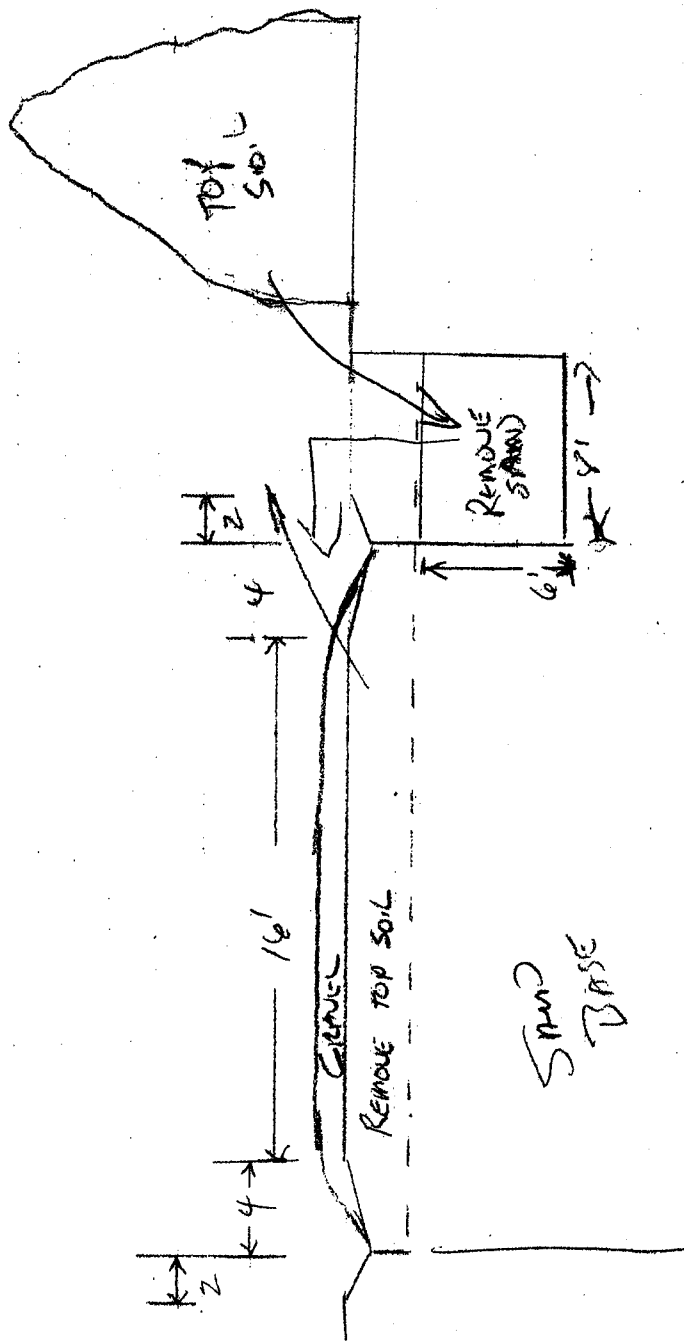
January 28, 2005 Sheet 4 of 5



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KENAI REGULATORY FIELD OFFICE  
ALASKA DISTRICT, CORPS OF ENGINEERS



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Mr. David Yragui

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48'

DAVE WAYS - SEA IN WETLAND

16 x 150' = 2400 sq' x 2.5' = 6000 cu' of top soil removed 222 yards

16 x 150' = 2400 sq' x 1' gravel = 2400 cu' of gravel 88 yards added to Dave way

5 x 222 = 1110 yards of top soil will be disturbed

5 Dave ways x 88 = 440 yards of gravel will be added

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPT. OF ENVIRONMENTAL CONSERVATION**

**DIVISION OF WATER**

401 Certification Program

Non-Point Source Water Pollution Control Program

**NOTICE OF APPLICATION  
FOR  
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2002-476-4, Cook Inlet, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564  
FAX: (907) 269-7508

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

ALASKA COASTAL ZONE MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.

**POA-2002-476-4, Cook Inlet**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.